



Initial Review
BOX AF

B-2750 FWC / 615179

#10
S.S.H.
6-24-96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sau-Gee Chen and Chieh-Chih Li

Serial No.: 08/510,740

Filed: August 2, 1995

Title: METHOD FOR FINDING QUOTIENT IN A DIGITAL SYSTEM

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GROUP 2306

Group Art Unit: 2306

Examiner: E. Moise

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* * *

RESPONSE TO FINAL REJECTION

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

BOX AF

Sir:

The Applicants respectfully request the withdrawal of the Final Rejection as premature.

The Examiner has issued a Final Rejection indicating that Claims 1 - 4 are rejected under 35 U.S. C. §101 because the claimed invention is directed to non-statutory subject matter, stating that the newly added step of "storing in said memory ..." represents

insignificant post-solution activity, citing the older decisions of Abele, Walker, Flook, and In re Castelet. However, the Examiner appears to have not considered the more recent 35 U.S. C. §101 decision in In re Alappat as pointed out in the Applicants' Communication filed on December 12, 1996.

As pointed out in the Applicants' Communication of December 12, 1996, in the 1994 Alappat decision the majority opinion stated that programming of a general purpose computer creates a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from programmed software. In this context, the Applicants submit that they have invented a new kind of computer which operates in a more efficient manner in the area of finding a quotient, utilizing novel and inventive steps for generating data representative of such a quotient.

However, if the Examiner does not withdraw the Final Rejection, the Applicants request that the Examiner address the Alappat issue and provide a timely Advisory Action to enable the Applicants to effectively prepare an Appeal, should the Applicants undertake to do so.

Respectfully submitted,

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